

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CHARLES S. NELSON III,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

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TOWNES, United States District Judge:

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 30 2010 ★

07-CV-4953

BROOKLYN OFFICE

MEMORANDUM & ORDER

Petitioner Charles S. Nelson III ("Petitioner") was convicted in United States District Court, District of New Jersey, of possession with intent to distribute more than five grams of crack cocaine in violation of 21 U.S.C. § 841(a)(1). He was sentenced to a nine year term of incarceration and a four year period of supervised release. In this petition, he claims that the Federal Bureau of Prisons miscalculated his term of incarceration. He argues that he is entitled to a credit on his federal sentence for time spent in state custody.

Information maintained by the Federal Bureau of Prisons reveals that Petitioner was released from federal custody during the pendency of this petition.¹ Based on this information, the Court issued an Order to Show Cause dated July 27, 2010 directing Petitioner "to show cause before this Court, by the filing of a written submission, why the instant petition should not be dismissed as moot." (Docket No. 12.) Petitioner's submission was due to be served and filed by August 13, 2010, and the Court directed the Respondent to serve the Order to Show Cause on the Petitioner. Petitioner was served with the Order to Show Cause (Docket No. 13), however, to date, Petitioner has not responded to the Order. Accordingly, the petition is hereby dismissed as moot. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: August 30, 2010
Brooklyn, New York

s/ SLT

SANDRA L. TOWNES
United States District Judge

¹See <http://www.bop.gov/iloc2/LocateInmate.jsp>